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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,162	02/26/2002	Kiyomitsu Ishimura	047912-0139	2383

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FOLEY AND LARDNER
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EXAMINER

RAHLL, JERRY T

ART UNIT

PAPER NUMBER

2874

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,162

Applicant(s)

ISHIMURA, KIYOMITSU

Examiner

Jerry T Rahll

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 3,4,7,8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. Figures 6 and 7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The abstract of the disclosure is objected to because it exceeds the maximum length of 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 5, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 5,095,517 to Monguzzi et al.
6. Monguzzi et al. describes a face alignment device having two units with a convex semi-spherical block (9) having a contact surface that makes contact with a clamp member (7) for securing an object (8, 15) and a convex semi-spherical surface opposite the contact surface and a

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base block (2) having a concave portion corresponding to the semi-spherical surface of the convex semi-spherical block for rotatably holding the convex semi-spherical block, where the units are arranged so that their contact surfaces face each other (see Figures 2-5 and Column 4 Line 60-Column 6 Line 55).

7. Further, Monguzzi et al. describes the clamp member arranged at eccentric positions for the center axes of the semi-spherical block (see Figure 5).

8. Further, Monguzzi et al. describes the clamp member arranged at such the center point of the face of the object corresponds to a center point of an imaginary sphere formed by the semi-spherical surfaces of the convex semi-spherical blocks (see Figure 4).

9. Further, Monguzzi et al. describes the object held outside the two units (see Figure 5) by the clamp member and a weight (17) provided at the other end of the clamp member.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monguzzi et al. as applied to claim 1 above, and further in view of the Applicant's admitted prior art.

12. Monguzzi et al. describes the alignment device described above. Monguzzi et al. does not describe an air layer forming means for forming an air layer between each of the semi-spherical surfaces of the convex semi-spherical blocks and each of the concave portions of the

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base blocks and a moving means for moving the two base blocks to be close to or apart from each other.

13. The Applicant's admitted prior art, referring to the discussion of Japanese Patent Laid-Open Application No. 8-281464 on pages 2-3 of the current application, describes an alignment device having an air layer forming means (111-114) for forming an air layer between each of the semi-spherical surfaces of the convex semi-spherical blocks and each of the concave portions of the base blocks and a moving means (104-106) for moving the two base blocks to be close to or apart from each other.

14. Monguzzi et al. and the Applicant's admitted prior art are analogous art because they are from the same field of endeavor of alignment devices. At the time of invention it would have been obvious to one of ordinary skill in the art to use the air supply means and moving means described by the Applicant's admitted prior art to eliminate sliding resistance between the surfaces on the alignment device described by Monguzzi et al. to allow for easier and more accurate alignment. Therefore, it would have been obvious to one of ordinary skill to combine Monguzzi et al. with the Applicant's admitted prior art to obtain the invention as specified in the claims.

Allowable Subject Matter

15. Claims 3-4 and 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

16. Claims 3-4 and 7-8 describe the clamp member having a bearing that can rotatably hold the object. This is not described by the prior art of record.

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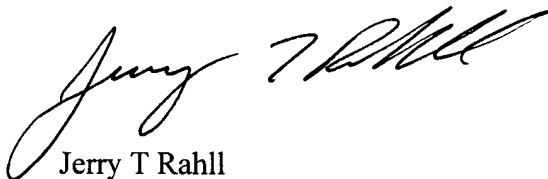
Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents Nos. 3,595,961 to Stewart, 5,347,605 to Isaksson and 5,937,123 to Frelie describe alignment devices having spherical surfaces.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry T Rahll whose telephone number is (703) 306-0031. The examiner can normally be reached on M-F (8:00-5:30), with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (703) 308-4819. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Jerry T Rahll
June 13, 2003


**AKM ENAYET ULLAH
PRIMARY EXAMINER**